

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROMEO COOLEY

Plaintiff,

v.

MICHAEL DUNLAVEY, et al.,

Defendants.

Civil Action No. 07-173 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on July 11, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 38], filed on August 19, 2008, recommended that the motion to dismiss filed by Defendant Richmond [Doc. No. 17] be granted, the motion to dismiss filed by Defendant Dunlavey [Doc. No. 22] be granted and the motion to dismiss filed by Defendants Brooks and Lowry [Doc. No. 25] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of September, 2008;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Richmond [Doc. No. 17] is GRANTED; the motion to dismiss filed by Defendant Dunlavey [Doc. No. 22] is GRANTED; and the motion to dismiss filed by Defendants Brooks and Lowry [Doc. No. 25] is GRANTED.

The Report and Recommendation [Doc. No. 38] of Magistrate Judge Baxter, filed on August 19, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge